

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENNIS ROBERT LUCEY, #171610,

Petitioner,

v.

CASE NO. 05-CV-74361-DT  
HONORABLE LAWRENCE P. ZATKOFF

WARDEN S. HARRY,

Respondent.

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**ORDER DENYING PETITIONER'S LETTER REQUEST**  
**FOR ORDER TO RESPOND**

Petitioner Dennis Lucey, has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his re-sentencing and subsequent appeals arising from his 1989 guilty plea convictions for breaking and entering with intent to commit larceny, breaking and entering an occupied dwelling, and habitual offender fourth which were imposed in the Wayne County Circuit Court. In 1998, Petitioner was re-sentenced to concurrent terms of 16 to 30 years imprisonment. This matter is before the Court on Petitioner's letter request asking this Court to order Respondent to file an answer to his habeas petition.

Petitioner, however, has previously filed a petition for a writ of habeas corpus in federal court challenging the same conviction and re-sentencing at issue in this case. Accordingly, this Court transferred his case to the United States Court of Appeals for the Sixth Circuit as a second or successive petition. *See* 28 U.S.C. § 2244(b)(3)(A); *Stewart v. Martinez-Villareal*, 523 U.S. 637, 641 (1998); *In re Wilson*, 142 F.3d 939, 940 (6<sup>th</sup> Cir. 1998). His case is still pending in the Sixth

Circuit. Because the case has been transferred to the Sixth Circuit, this Court is without jurisdiction to address his letter request.

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's letter request for lack of jurisdiction. The Court further **ORDERS** that Petitioner shall discontinue filing letters or motions in this case unless and until the Sixth Circuit grants him authorization to file a second or successive habeas petition and returns his case to this Court.

**SO ORDERED.**

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: August 22, 2006

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 22, 2006.

s/Marie E. Verlinde

Case Manager  
(810) 984-3290